

REMARKS

Claims 1-20 are pending in the present application. Claims 3-20 are withdrawn based on an election to a restriction requirement made on July 19, 2007 with a further election to SEQ ID NO:1. Claims 1 and 2 stand rejected. No claim is objected to. Claims 1 and 2 are amended herein. No new matter is added.

35 U.S.C. § 112, first paragraph

Claims 1-2 stand rejected under 35 U.S.C. § 112, first paragraph for allegedly failing to comply with the enablement requirement. The Applicants thank the Examiner for withdrawing the rejection to these claims, in part, based on the previous response. The Examiner alleges that the gene name, “cvm6para” could encompass many alternatives apart from SEQ ID NO:1. Furthermore, with respect to double mutants, the Examiner alleges that other gene names “do not accurately capture the structure of mutant *S. clavuligerus*.” The Examiner concedes that a skilled artisan would be enabled to make a *S. clavuligerus* comprising disrupted or deleted SEQ ID NO: 1 and 5. However, he alleges that the skilled artisan would not be enabled for the broader genus of cvm6para.

The Applicants respectfully disagree with the Examiner’s allegation. However, in an effort to advance prosecution and in no way acquiescing to the Examiner’s rejection, the Applicants amend claim 1 to recite SEQ ID NO:1. Similarly, the Applicants amend claim 2 herein to recite SEQ ID NOs and remove any reference to gene names.

Furthermore, the Examiner points out that the specification appears to refer to cvmpara6 as cvmpar6 in some instances. The Applicants respectfully submit that “cvmpar6” is a typographical error that should recite “cvmpara6.” The Applicants amend claims herein to recite “SEQ ID NO:1” instead of “cvmpara6,” thus, clarifying the recitation in the claims.

The Applicants respectfully submit that, in view of the forgoing remarks and the claims as amended, the Applicants have overcome the rejection of claims 1 and 2 under U.S.C. § 112, first paragraph. Accordingly, the Applicants respectfully request withdrawal of these rejections.

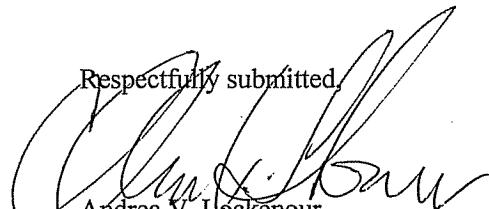
35 U.S.C. § 112, second paragraph

Claims 1-2 stand rejected under 35 U.S.C. § 112, second paragraph for allegedly being indefinite. Specifically the Examiner alleges that the word “relevant” in each claim renders the term indefinite. The Applicants amend claim 1 herein to recite SEQ ID NO:1

rather than the “relevant open reading frame,” thus, rendering his rejection moot. The Applicants also amend claim 2 herein to recite the word “said” instead of “relevant.”

The Applicants respectfully submit that, in view of the forgoing remarks and the claims as amended, the Applicants have overcome the rejection of claims 1 and 2 under U.S.C. § 112, first paragraph. Accordingly, the Applicants respectfully request withdrawal of these rejections.

Applicants reserve the right to prosecute, in one or more patent applications, the claims to non-elected inventions, the cancelled claims, the claims as originally filed, and any other claims supported by the specification. Applicants thank the Examiner for the Office Action and believe this response to be a full and complete response to such Office Action. Accordingly, favorable reconsideration and allowance of the pending claims is earnestly solicited. If it would expedite the prosecution of this application, the Examiner is invited to confer with the Applicants’ undersigned attorney.

Respectfully submitted,

Andrea V. Lockenour
Attorney for Applicants
Registration No. 51,962

GLAXOSMITHKLINE
Corporate Intellectual Property - UW2220
P.O. Box 1539
King of Prussia, PA 19406-0939
Phone (610) 270-7568
Facsimile (610) 270-5090
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